

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

CROWN CORK & SEAL COMPANY, INC.	)	
and CLARK EQUIPMENT COMPANY,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	1:99CV00869
	)	
CBS CORPORATION, as successor in	)	
interest to WESTINGHOUSE ELECTRIC	)	
CORPORATION, et al.,	)	
	)	
Defendants.	)	

**O R D E R**

On July 13, 2005, Recommendation No. 33 the United States Magistrate Judge was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. No objections were filed within the time limits prescribed by Section 636.

Therefore, the Court need not make a de novo review and the Magistrate Judge's Recommendation is hereby adopted.

**IT IS THEREFORE ORDERED** that plaintiffs' motion to dismiss defendant C&M Oil Distributors, Inc. as a defendant from this lawsuit with prejudice, and further, that all cross-claims or third-party claims arising out of plaintiffs' claims for recovery of their RI/FS costs, RD/RA costs, or any other response costs against defendant C&M (docket no. 543) is granted, and that the Court, in fact, dismisses any cross-claim or third-party claim by any party against defendant C&M with prejudice as a result of its settlement of plaintiffs' claims, and further, that the Court accepts the Uniform Comparative Fault Act proportionate share rule for this case so that plaintiffs' contribution claims against the

non-settling defendants will be reduced by the fair share of defendant C&M.

This the day of September 30, 2005

/s/ N. Carlton Tilley, Jr.  
United States District Judge